

March 24, 2003

*Via electronic filing*

Marlene H. Dottch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

RE: Reply Comments of the Pennsylvania Public Utility Commission In the Matter of  
Numbering Resource Optimization Petition for Forbearance from Further  
Increases in the Numbering Utilization Threshold Under 47 U.S.C. § 160(c)  
CC Docket No. 99-200

Dear Ms. Dottch:

Please find attached for filing in the above matter one copy of the Pennsylvania  
Public Utility Commission's Reply Comments to the CTIA Petition for Forbearance from  
Further Increases in the Numbering Utilization Threshold Under 47 U.S.C. § 160(c) at  
CC Docket No. 99-200.

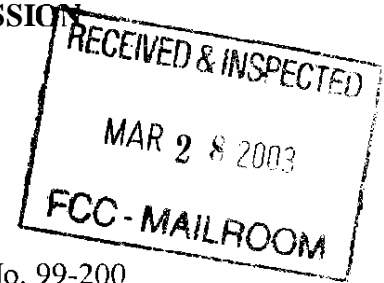
Sincerely,

Lois A. Burns  
Assistant Counsel

Enclosure

Cc: per certificate of service

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**



In The Matter of	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
	)	
Petition for Forbearance from Further	)	
Increases in the Numbering Utilization	)	
Threshold Under 47 U.S.C. § 160(c)	)	

**REPLY COMMENTS OF THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**INTRODUCTION**

The Pennsylvania Public Utility Commission (PAPUC) hereby files the following reply comments concerning the Cellular Telecommunications & Internet Association's (CTIA) Petition for Forbearance from Further Increases in the Utilization Thresholds for Numbering Resources (Petition). For the reasons set forth below, the P M U C urges the Federal Communications Commission (FCC) to enforce its regulations at section 52.15(h)<sup>1</sup> that increases the numbering utilization threshold in a rate center to 70%, effective June 2003

**REPLY COMMENTS**

The PAPUC submits that the FCC should not forbear from increasing the utilization threshold for growth numbering resources by 5% as requested by CTIA in its Petition because this action would negatively impact the finite resource of telephone numbers **and** area codes. In support of this position, the PAPUC explains the numbering

<sup>1</sup> 47 C.F.R. §52.15(h). All applicants for growth numbering resources shall achieve a 60% utilization threshold...for the rate center in which they are requesting growth numbering resources. The 60% utilization threshold increased by 5% on June 30, 2002 and increases annually thereafter until the utilization threshold reaches 75%.

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environment in the Commonwealth. Presently, Pennsylvania has nine area codes – 215, 267, 610, 484, 717, 570, 412, 724 and 814. Mandatory pooling has been implemented in eight out of the nine area codes in those rate centers within the top 100 Metropolitan Statistical Areas (MSAs) as designated by the FCC.<sup>2</sup> The ninth area code, 814, has voluntary pooling as designated by the FCC in its national thousands-block (1K) pooling schedule of April 2002.<sup>3</sup> At the present time, both wireline and wireless telecommunications carriers receive numbering resources in Pennsylvania's area codes through Neustar Pooling Administration and the North American Numbering Plan Administration (NANPA) Central Office Code Administration.

The PAPUC submits that CTIA's proposal to forbear from further increases in the current utilization thresholds could significantly impact Pennsylvania's numbering resources. Telecommunications carriers receive their numbering resources in thousands-blocks as well as in full NXX<sup>4</sup> codes in Pennsylvania's number planning areas (NPAs). In examining Pennsylvania's nine NPAs, carriers presently hold 261 NXX codes in non-pooling rate centers throughout the Commonwealth. If the FCC chose not to enforce the already established increased utilization threshold **up** to the maximum level of 75% (increased 5% to 70% in June 2003 and 5% to 75% in June 2004), potentially 261,000 telephone numbers could become stranded in telecommunications carriers' numbering

<sup>2</sup> *In the Matter of Numbering Resource Optimization*, CC Docket Nos. 99-200, 96-98, NSD File No. L-99-101 (Order adopted July 20, 2000); *Petition of Representative Keith R. McCall and Members of the Northeast Delegation of the Pennsylvania House of Representatives Requesting Additional Authority to be Delegated to the Pennsylvania Public Utility Commission to Implement Additional Number Conservation Measures*, CC Docket No. 99-200 (Order adopted December 21, 2001); and *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200 (Order adopted April 24, 2002).

<sup>3</sup> *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200 (Order adopted April 24, 2002).

<sup>4</sup> NXX codes are the three digits following the area code in a 10-digit telephone number. Under the current infrastructure, telephone numbers are assigned to carriers by NXX code (each NXX code contains 10,000 numbers). However, in an area code which has a 1,000 block pool, NXX codes are divided into 10 separate 1,000 blocks that can be assigned to different telecommunications carriers.

inventories in Pennsylvania alone. The PAPUC submits that granting CTIA's Petition results in finite numbering resources being wasted unnecessarily contrary to established FCC efforts to conserve telephone numbers and area codes.

Again, the impact of CTIA's proposal is significant to Pennsylvania's pooling **NPA**s as well. For example, carriers presently hold 10,500 1K blocks in pooling rate centers in the 215 and 267 **NPA**s. If the FCC forbears from implementation of the 70% and 75% utilization thresholds as is stated in the current regulations, approximately 1.05 million individual telephone numbers ( $10,500 \text{ blocks} \times 1,000 \text{ numbers} \times 10\%$ ) would be stranded in carriers' inventories with no chance of assignment to another carrier in these two Pennsylvania **NPA**s alone. The PAPUC submits that the impact of a forbearance action by the FCC is significant to the 215 and 267 **NPA**s as well as the other seven pools functioning in Pennsylvania's area codes.

Further, as mentioned above, the 814 **NPA** in Pennsylvania is a voluntary pool as prescribed by the FCC's national thousands-blocks pooling schedule. In this **NPA**, there are 177 rate centers, 114 of those are subject to the voluntary pool implemented in November 2002. However, in the implementation stage of this pool in 2002, ten carriers decided not to participate in the 814 voluntary pool. These ten carriers hold approximately 113 **NXX**s in this **NPA**. If the FCC forbears from enforcing higher utilization thresholds for carriers to receive growth resources, Pennsylvania's 814 **NPA** potentially could lose 113,000 additional telephone numbers ( $113 \times 10,000 \times 10\%$ ) that would be stranded unnecessarily in carriers' inventories. The PAPUC submits that this same scenario could occur geometrically on a national level where other voluntary pools exist, thus, unnecessarily wasting finite numbering resources.

In total, a forbearance act by the FCC could result in Pennsylvania's NPAs unnecessarily stranding over 1.3 million individual telephone numbers that cannot be used by other carriers. As previously demonstrated, the PAPUC believes that the potential effect of forbearing from increasing utilization thresholds for growth resources is significant in Pennsylvania. The PAPUC also believes that Pennsylvania's experience exists in other states, thus, a forbearance action by the FCC could lead to a tremendous impact on numbering resources nationally. The PAPUC submits that the FCC should enforce its current regulations at section 52.15(h) compelling carriers to use their numbering resources efficiently in compliance with the FCC's numerous policies and orders.

The PAPUC further submits that enforcing the current regulations at section 52.15(h) prescribing an increase in the existing utilization threshold for growth numbering resources does not result in carriers being without adequate numbering resources. In its *Third Report and Order*,<sup>5</sup> the FCC reaffirmed that carriers must meet a months-to-exhaust requirement before receiving growth numbering resources so as to ensure that telephone numbers are used efficiently and carriers are prevented from maintaining excessive inventories of numbers.<sup>6</sup> In that Order, the FCC established a mechanism, a "safety valve," for carriers to receive growth numbering resources who can not meet the current utilization threshold in a rate center. The FCC granted state commissions the authority to provide relief to telecommunications carriers for additional numbering resources in a given rate center if the company cannot meet the demand for

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<sup>5</sup> *In the Matter of Numbering Resources Optimization, Third Report and Order and Second Order on Reconsideration*, CC Docket No. 99-200 (Order adopted December 12, 2001).

<sup>6</sup> *Id.* at ¶8.

resources through its current inventory. Since the FCC established the “safety valve” mechanism in December 2001, the PAPUC has granted seven carriers’ petitions for growth numbering resources for specific customer demand where the carrier could not meet the utilization threshold. The PAPUC submits that an increased utilization threshold does not mean that carriers will be without numbering resources to respond to customer demand.

Further, a maximum utilization rate of 75% provides carriers holding full NXX codes with a buffer of approximately 2500 numbers in each NXX code while they request additional numbering resources in accordance with FCC regulations. The PAPUC submits that this level of numbers in carriers’ current inventories provides ample resources for carriers to respond to potential customers while carriers apply for growth numbering resources in a particular rate center.

Finally, the PAPUC submits that CTIA’s reasoning that the numbering crisis is over is inaccurate. In Pennsylvania, the June 2002 Numbering Resource Utilization Forecast (NRUF) and NPA Exhaust Analysis performed by NANPA<sup>7</sup> shows that four area codes are due to exhaust within the next two years. In southeastern Pennsylvania, 6101484 is predicted to exhaust in first quarter 2004 and 2151267 is predicted to exhaust in first quarter 2005. The PAPUC suspects that this situation exists on a national level as well. The PAPUC believes that it is imperative for the FCC to use any and all number conservation measures, such as higher utilization thresholds for growth numbering resources, to conserve numbers and area codes so that additional area codes and the NANP are not exhausted prematurely.

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<sup>7</sup> The June 2002 NRUF and NPA Exhaust Analysis Report is located at NANPA’s website <http://www.nanpa.com>.

## CONCLUSION

For the reasons set forth above, the PAPUC urges the FCC to dismiss any comments supporting the Petition requesting forbearance from further increases in the utilization thresholds for numbering resources. **At** the same time, the PAPUC respectfully submits that the FCC deny CTIA's Petition and enforce its current regulations at section 52.15(h) to increase the utilization threshold **for** growth numbering resources by 5% in both June 2003 and 2004.

Respectfully submitted,

PENNSYLVANIA PUBLIC UTILITY  
COMMISSION

By its counsel:

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Deputy Chief Counsel

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Chief Counsel

Dated: March 24, 2003

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**CERTIFICATE OF SERVICE**

I, Lois **A.** Bums, hereby certify that I have on this 24<sup>th</sup> day of March 2003, served the Pennsylvania Public Utility Commission's Reply Comments upon the Secretary of the Federal Communications Commission electronically as prescribed by the FCC's February 24, 2003 Public Notice. I also have served a true and correct copy of the Pennsylvania Public Utility Commission's Reply Comments upon the other persons listed below by first class mail.

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